



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

Ms. Peggy Casey, Environmental Projects Engineer
Federal Highway Administration
3220 W Edgewood, Suite H
Jefferson City, MO 65109

Mr. Kevin Keith, Chief Engineer
Missouri Department of Transportation
P.O. Box 270
Jefferson City, MO 65102

Dear Ms. Casey and Mr. Keith:

Re: Review of Final Environmental Impact Statement for Route 34 Corridor,
Carter, Reynolds, Wayne, Bollinger, and Cape Girardeau Counties,
Missouri, MoDOT Job No. J9P0456Z

The U.S. Environmental Protection Agency has reviewed the Final Environmental Impact Statement for the Route 34 Corridor Study. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The FEIS was assigned the CEQ number 20080483.

A main concern, which was also stated in EPA's comment letter on the Draft Environmental Impact Statement, is the uncertainty of potential impacts that could arise between now and the projected construction start date of at least 10 years. It is important to be aware of that fact that the useful 'life' of an EIS is considered to be 5 years; after that time period, additional analysis and documentation may be required. For more information, see the CEQ's website <http://ceq.eh.doe.gov/nepa/nepanet.htm> and the "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations" (<http://ceq.eh.doe.gov/nepa/regs/40/30-40.HTM#32>).

In addition, though our previous comments on the DEIS regarding the recommendation that a broad ecosystem approach be used for mitigation of the stream impacts in Section 3.7.2; Water Quality were addressed on Page 3-37, there seem to be some questions regarding the number and total length of jurisdictional stream impacts. Page 3-37 states that the total length of jurisdictional stream impacts is 2.8 miles which includes relocation at five locations of jurisdictional streams channels for a length of approximately 5,011 feet. This is an increase from the 2005 DEIS, which stated the impacts would affect 2.2 miles (increase of 0.6 miles) and relocation of 2,687 feet (increase of 2,324 feet) of jurisdictional stream channels at two locations.

Though these numbers have increased, none of the descriptions or measurements in Section 2.6; Development of Final Study Alternates, have changed to reflect the increase of jurisdictional stream impacts or relocations.

A comment stemming from correspondence with our Water, Wetlands, and Pesticides Division on this FEIS was that, on Page 3-49, paragraph 5, it states that onsite wetland mitigation is preferred. However, MODOT must consider that the New Mitigation Rule under CWA Section 404 outlines a hierarchy for choosing mitigation sites, which places mitigation banking opportunities as the preferred options for citing compensatory mitigation. In the development of the Mitigation Plan, MODOT must provide evidence as to why onsite mitigation is a primary resource for compensatory mitigation above and beyond available mitigation banking options.

We also thank you for addressing the concerns we had regarding Section 3.14; Parks, Recreation Areas, Trails and Other Public Lands. Your coordination with MDC and subsequent findings support the exemption from Section 4(f) of the Department of Transportation Act [49 United States Code 303], which protects publicly owned parks, recreation areas, wildlife and waterfowl refuges, and significant Historic and archaeological resources.

Thank you for the opportunity to provide our comments regarding this project. If you have any questions, please contact me at 913-551-7565 or via email at tucker.amber@epa.gov, or you may contact Joe Cothorn, NEPA Team leader, at 913-551-7148 or via email at cothorn.joe@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Amber Tucker".

Amber Tucker
NEPA Reviewer
Environmental Services Division